

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DOC #: \_\_\_\_\_  
DATE FILED: 4/29/08

VINCENT P. DELUCA,

Plaintiffs,

- against -

THE BANK OF TOKYO-MITSUBISHI UFJ, LTD.,

Defendants.

06 Civ. 5474 (JGK)

MEMORANDUM OPINION  
AND ORDER

JOHN G. KOELTL, District Judge:

The Court has reviewed the parties' correspondence related to the defendant's Proposed Judgment awarding attorney's fees and costs incurred in connection with the defendant's Motion for a Protective Order. The Magistrate Judge issued a protective order precluding the deposition of Mr. Omori, and this Court overruled objections to that Order. By Order dated December 17, 2007, the Magistrate Judge awarded the defendant reasonable expenses and attorneys' fees in the amount of \$46,563.29 for being required to move for a protective order. The defendant submitted a Proposed Judgment on January 11, 2008. The plaintiff has submitted no Proposed Counter-Judgment, and does not claim that the terms of the proposed Judgment submitted by the defendants do not reflect the Order issued by the Magistrate Judge. Instead, the plaintiff's letter dated April 9, 2008 raises issues that go to the substance and propriety of the award of attorney's fees itself.

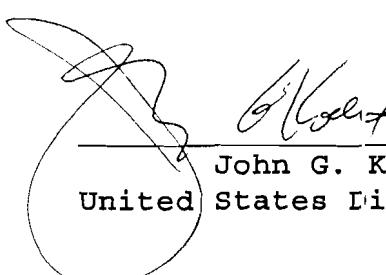
The plaintiff failed to submit any opposition to the

defendant's September 7, 2007 application for costs and fees, and similarly failed to respond to the defendant's supplemental request for costs and fees submitted on November 14, 2007. Moreover, the plaintiff failed to submit any Rule 72 objections to the Magistrate Judge's Order granting costs and fees dated December 17, 2007. Thus, the plaintiff has plainly waived the right to object to the December 17, 2007 Order. See Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008).

Therefore, the Court has signed the Proposed Judgment submitted by the defendant. The plaintiff has requested that the Court stay all proceedings pending the outcome of the appeal of the summary judgment motion. If the plaintiff wishes to obtain a stay pending appeal, the plaintiff may do so by posting a supersedeas bond as outlined in Rule 62 of the Federal Rules of Civil Procedure. See Fed. R. Civ. Pro. 62(d).

SO ORDERED.

Dated: New York, New York  
April 22, 2008

  
John G. Koeltl  
United States District Judge